

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Michael Hanson

v.

Civil No. 11-fp-534

Stephen Church, Superintendent,
Rockingham County House of Corrections

O R D E R

Michael Hanson, an inmate at the Rockingham County House of Corrections ("RCHC"), has filed an action in this court that he has identified as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Section 2254 provides an opportunity for a prisoner to challenge the fact or duration of his confinement. Challenges to the conditions of his confinement, however, are properly considered in a civil rights action filed pursuant to 42 U.S.C. § 1983, which provides a cause of action to redress violations of an individual's constitutional rights by state actors. See 42 U.S.C. § 1983; Hill v. McDonough, 547 U.S. 573, 579 (2006) (inmate's challenges to the circumstance of his confinement, rather than its validity, not available under § 2254 and may be brought under § 1983).

Hanson's complaint alleges that officials at the RCHC have denied him constitutionally adequate medical and mental health

care and subjected him to unduly punitive conditions of confinement. These assertions challenge the conditions of Hanson's confinement, not the validity of the confinement itself. As such, the claims arise under § 1983. Accordingly, the court construes the action as a civil rights suit filed pursuant to that section. The Clerk's office is directed to docket this action accordingly.

Civil lawsuits filed in the federal District Court are subject to a \$350 filing fee, whereas a petition for a writ of habeas corpus is subject only to a \$5 filing fee. See 28 U.S.C. § 1914(a). The Clerk's office is therefore further directed to forward the appropriate paperwork to Hanson regarding payment of the filing fee and filing an application for in forma pauperis status.

SO ORDERED.



Landya McCallerty
United States Magistrate Judge

November 21, 2011

cc: Michael Hanson, pro se

LBM:jba